

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JENNIE LANDSMAN, as Parent and
Natural Guardian of **J.L.**, and
JENNIE LANDSMAN, Individually,

Plaintiff,

-against-

Case No. 23-cv-6404 (PAC)

DAVID C. BANKS, in his Official Capacity as
Chancellor of the New York City Department
of Education and the **NEW YORK CITY**
DEPARTMENT OF EDUCATION,

DECLARATION IN
SUPPORT OF ORDER
TO SHOW CAUSE

Defendants.

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PETER G. ALBERT, ESQ., an attorney duly admitted to practice law in the State of New York and before the United States District Court for the Southern District of New York, declares under 28 U.S.C. §1746 that:

1. The undersigned is counsel to Plaintiff JENNIE LANDSMAN, as Parent and Natural Guardian of J.L.
2. This Declaration is submitted in support of the Plaintiff's application for an Order/Judgment declaring that the Student-Plaintiff's Pendency Placement/Program during the pendency of the administrative and judicial proceedings relative to the Student's Due Process Complaint for the 2023–2024 extended school year, is at the International Academy for the Brain ("iBRAIN") and includes the Student's related services, including transportation and nursing; and the Student-Plaintiff's Pendency Placement/Program at iBRAIN includes directly funding of tuition at iBRAIN, and all related services, including transportation, and nursing, for the 2023–2024 school year,

according to the Plaintiff's agreement with their private school placement/program, as well as with their respective related services providers—the Plaintiff's enrollment agreement with iBRAIN, their transportation agreement with Sister's Travel and Transportation Services; and their nursing service agreement with Park Avenue Home Care. Plaintiff submits that the DOE must fund the Student-Plaintiff's tuition and related services, as much as the Parent-Plaintiff is obligated, by their enrollment agreements with their private school placement/program and their related services providers, to fund their respective Student-Plaintiff's tuition and related services, pending the final adjudication of the Plaintiff's underlying Due Process Complaint.

3. The Plaintiff's respective enrollment agreement, transportation agreement, and nursing agreement are attached as Exhibits hereto.
4. A copy of J.L.'s enrollment agreement at iBRAIN is attached hereto as EXHIBIT 1.
5. A copy of J.L.'s transportation agreement with Sister's Travel and Transportation Services is attached hereto as EXHIBIT 2.
6. A copy of J.L.'s nursing services agreement with Park Avenue Home Care is attached hereto as EXHIBIT 3.

Dated: July 26, 2023
New York, New York

Respectfully submitted,
Brain Injury Rights Group, Ltd.
Attorneys for the Plaintiff(s)

By: /S/
Peter G. Albert, Esq.
300 East 95th Street, #130
New York, New York 10128
Peter@pabilaw.org
(646) 850-5035